HOUSE SUBSTITUTE FOR

SENATE BILL NO. 648

A bill to amend 1974 PA 163, entitled

"L.E.I.N. policy council act of 1974,"

by amending sections 4 and 5 (MCL 28.214 and 28.215), section 4 as

amended by 2000 PA 320; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The council shall do all of the following:

2 (a) Establish policy and promulgate rules ~~regarding the~~

3 ~~operational procedures to be followed by agencies using~~ **GOVERNING**

4 **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN CRIMINAL JUSTICE**

5 **INFORMATION SYSTEMS, INCLUDING** the law enforcement information

6 network**, THE AUTOMATED FINGERPRINT INFORMATION SYSTEM, AND OTHER**

1 **INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW ENFORCEMENT.**

2 The policy and rules shall do all of the following:

3   (*i*) **ENSURE ACCESS TO INFORMATION OBTAINED BY A FEDERAL, STATE,**

4 **OR LOCAL GOVERNMENTAL AGENCY TO ADMINISTER CRIMINAL JUSTICE OR**

5 **ENFORCE ANY LAW.**

6   (*ii*) ~~(*i*)~~ Ensure access to ~~locator~~ information ~~obtained~~

7 ~~through~~ **PROVIDED BY** the law enforcement information network ~~by~~

8 ~~state and federal agencies and the friend of the court for~~ **OR THE**

9 **AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM BY A GOVERNMENTAL**

10 **AGENCY ENGAGED IN THE** enforcement of child support ~~programs as~~

11 ~~provided under state and federal law~~ **LAWS, CHILD PROTECTION LAWS,**

12 **OR VULNERABLE ADULT PROTECTION LAWS.**

13   ~~(*ii*) Ensure access to information of an individual being~~

14 ~~investigated by a state or county employee who is engaged in the~~

15 ~~enforcement of the child protection laws or rules of this state.~~

16   (*iii*) Authorize a fire chief of an organized fire department or

17 his or her designee to request and receive information obtained

18 through the law enforcement information network by a law

19 enforcement agency for the following purposes:

20   (A) A preemployment criminal convictions history.

21   (B) A preemployment driving record.

22   (C) Vehicle registration information for vehicles involved in

23 a fire or hazardous materials incident.

24   (*iv*) Authorize a public or private school superintendent,

25 principal, or assistant principal to receive vehicle registration

26 information, of a vehicle within 1,000 feet of school property,

27 obtained through the law enforcement information network by a law

Senate Bill No. 648 (H-1) as amended November 2, 2005

1 enforcement agency.

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6 **(*v*)] ESTABLISH FEES FOR ACCESS, USE, OR DISSEMINATION OF**

7 **INFORMATION FROM CRIMINAL JUSTICE INFORMATION SYSTEMS.**

8 (b) Review applications for ~~network terminals~~ **C.J.I.S.**

9 **ACCESS** and approve or disapprove the applications and the sites.

10 ~~for terminal installations.~~ If an application is disapproved, the

11 applicant shall be notified in writing of the reasons for

12 disapproval.

13 (c) Establish minimum standards for ~~terminal sites~~ **EQUIPMENT**

14 **AND SOFTWARE** and **ITS** installation.

15 **(D) ADVISE THE GOVERNOR ON ISSUES CONCERNING THE CRIMINAL**

16 **JUSTICE INFORMATION SYSTEMS.**

17 **(2) A PERSON HAVING DIRECT ACCESS TO NONPUBLIC INFORMATION IN**

18 **THE INFORMATION SYSTEMS GOVERNED BY THIS ACT SHALL SUBMIT A SET OF**

19 **FINGERPRINTS FOR COMPARISON WITH STATE AND FEDERAL CRIMINAL HISTORY**

20 **RECORDS TO BE APPROVED FOR ACCESS PURSUANT TO THE C.J.I.S. SECURITY**

21 **POLICY. A REPORT OF THE COMPARISON SHALL BE PROVIDED TO THAT**

22 **PERSON'S EMPLOYER.**

23 **(3)** ~~(2)~~ A person shall not **ACCESS, USE, OR** disclose

24 **NONPUBLIC** information ~~from the law enforcement information network~~

25 ~~to a private entity for any purpose, including, but not limited to,~~

26 ~~the enforcement of child support programs~~ **GOVERNED UNDER THIS ACT**

27 **FOR PERSONAL USE OR GAIN.**

1   **(4)** ~~(3)~~ A person shall not disclose information ~~from the~~

2   ~~law enforcement information network~~ **GOVERNED UNDER THIS ACT** in a

3   manner that is not authorized by law or rule.

4   **(5)** ~~(4)~~ A person who **INTENTIONALLY** violates subsection ~~(2)~~

5   ~~or~~ (3) **OR (4)** is **GUILTY OF A CRIME AS FOLLOWS:**

6   (a) For a first offense, **THE PERSON IS** guilty of a misdemeanor

7   punishable by imprisonment for not more than ~~90~~ **93** days or a fine

8   of not more than $500.00, or both.

9   (b) For a second or subsequent offense, **THE PERSON IS** guilty

10   of a felony punishable by imprisonment for not more than 4 years or

11   a fine of not more than $2,000.00, or both.

12   Sec. 5. The council may ~~remove terminals~~ **DO ANY OF THE**

13   **FOLLOWING:**

14   **(A) AUTHORIZE ACCESS TO PUBLIC RECORD INFORMATION TO ENHANCE**

15   **PUBLIC SAFETY OR CRIMINAL JUSTICE, AS PERMITTED BY LAW.**

16   **(B) SUSPEND OR DENY THE USE OF, AND ACCESS TO, INFORMATION OR**

17   **REMOVE ACCESS FROM AN AGENCY** if the agency ~~or entity controlling~~

18   ~~the terminal fails to comply with the established~~ **VIOLATES**

19   policies or promulgated rules of the council.

20   **(C) SUSPEND OR DENY DIRECT ACCESS TO INFORMATION TO AN**

21   **INDIVIDUAL WHO VIOLATES THIS ACT, POLICIES, OR PROMULGATED RULES OF**

22   **THE COUNCIL.**

23   Enacting section 1. The following acts and parts of acts are

24   repealed:

25   (a) Section 6 of the L.E.I.N. policy council act of 1974, 1974

26   PA 163, MCL 28.216.

27   (b) The A.F.I.S. policy council act, 1988 PA 307, MCL 28.151

1 to 28.158.

2   Enacting section 2. This amendatory act takes effect February

3 1, 2006.

4   Enacting section 3. This amendatory act does not take effect

5 unless House Bill No. 5275 of the 93rd Legislature is enacted into

6 law.